

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 408

(Delegates S. Robinson and Barkley)

Environmental Matters

Judicial Proceedings

Real Property - Breach of Lease - Notice Requirements

This bill authorizes the parties to a nonresidential lease to agree in writing to alter or waive the periods of notice that the tenant is in violation of the lease and the landlord desires to repossess the leased premises.

Fiscal Summary

State Effect: Any impact on the District Court due to changes to the Complaint and Summons against Tenant in Breach of Lease form can be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: Minimal. The bill may benefit small businesses with additional flexibility to the extent that they negotiate contracts for nonresidential leases.

Analysis

Current Law: When an unexpired lease authorizes the landlord to repossess the premises prior to the expiration of the stated term of the lease if the tenant breaches the lease, the landlord may file an action for repossession (an eviction action) in the District Court. The action may be filed if (1) the tenant breaches the lease; (2) the landlord has given the tenant 30 days written notice of the breach and the landlord's desire to repossess the premises; and (3) the tenant or person in actual possession of the premises refuses to comply. Alternatively, the landlord is required to give 14 days written notice if the tenant or another person on the premises with the tenant's consent breaches the lease by presenting a clear and imminent danger of serious harm to the landlord, the landlord's property, or any person on the premises.

Background: Two neighboring jurisdictions, the District of Columbia and Virginia, allow for landlords and tenants to enter agreements to waive and/or alter requirements. The District of Columbia allows parties, by agreement in writing, to alter or waive notice requirements. Similarly, Virginia allows parties to a lease, by special agreement, to waive the notice requirement.

Additional Information

Prior Introductions: None.

Cross File: SB 268 (Senator Astle) - Judicial Proceedings.

Information Source(s): Office of the Attorney General (Consumer Protection Division), Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - January 29, 2014
ncs/kdm

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